

MCANDREWS, HELD & MALLOY, LTD.
 500 West Madison Street, 34th Floor
 Chicago, Illinois 60661
 Tel: (312) 775-8000; Fax: (312) 775-8100
 Edward A. Mas II (pro hac vice)
 emas@mcandrews-ip.com
 David D. Headrick (pro hac vice)
 dheadrick@mcandrews-ip.com
 Scott P. McBride (pro hac vice)
 smcbride@mcandrews-ip.com
 Kevin A. O'Connor (pro hac vice)
 koconnor@mcandrews-ip.com

FINNEGAN, HENDERSON, FARABOW,
 GARRETT & DUNNER, LLP
 3300 Hillview Ave.
 Palo Alto, CA 94307-1203
 Tel: (650) 849-6600; Fax: (650) 849-6666
 Robert F. McCauley III (Bar No. 162056)
 robert.mccauley@finnegan.com

Attorneys for Plaintiff
 Advanced Cardiovascular Systems, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ADVANCED CARDIOVASCULAR
 SYSTEMS, INC.,

Plaintiff,

v.

MEDTRONIC, INC.,

Defendant.

C. A. No. 95-03577 DLJ

**STIPULATION AND ORDER
 REGARDING STATEMENT OF
 RECENT DECISION EXTENDING
 TERM OF PATENT UNDERLYING
 PERMANENT INJUNCTION**

PURSUANT TO CIVIL L.R. 7-12, THE PARTIES TO THE ABOVE-ENTITLED CASE
HEREBY STIPULATE AND AGREE AS FOLLOWS:

WHEREAS Defendant's Motion to Modify Injunction After October 29, 2008 was heard before
the Court on October 3, 2008, and is under submission for the Court's decision;

WHEREAS the United States Patent Office published a decision that extends U.S. Patent No.
5,451,233 (the patent underlying the permanent injunction), pursuant to 35 U.S.C. § 156(e)(2), for a
period of one year ("Interim Extension"), on or about October 14, 2008;

WHEREAS because the noticed hearing date has passed, Civil L.R. 7-3(d) does not
automatically permit the filing of a Statement of Recent Decision to supply the Court with the Patent
Office's Interim Extension;

WHEREAS, Plaintiff Advanced Cardiovascular Systems, Inc. (now Abbott Cardiovascular
Systems, Inc.) is lodging (not filing) concurrently herewith for the Court's consideration a proposed
Statement of Recent Decision, attaching a copy of the Patent Office's Interim Extension (as Exhibit A);

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that Plaintiff
Abbott should be given LEAVE TO FILE a Statement of Recent Decision in the form lodged by Abbott
to supply the Court with the Patent Office's decision.

By his signature below, counsel for Plaintiff Abbott attests that counsel for Defendant concurred
in the filing of this document.

Dated: October 14, 2008

MCANDREWS HELD & MALLOY

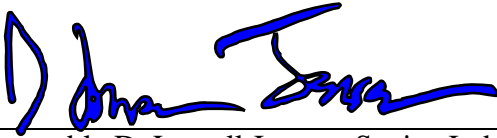
By: /s/ Scott P. McBride
Scott P. McBride
Attorneys for Plaintiff
ADVANCED CARDIOVASCULAR
SYSTEMS, INC.

Dated: October 14, 2008

KEKER & VAN NEST, LLP

By: /s/ Ashok Ramani
Ashok Ramani
Attorneys for Defendant
MEDTRONIC, INC.

1 **IT IS SO ORDERED.**

2 

October 15, 2008

3 Honorable D. Lowell Jensen, Senior Judge